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October 26, 2004

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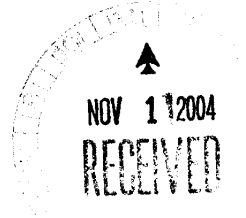
Re: Ohio Valley Railroad Company Petition for Expedited Relief
STB Finance Docket No. 34486

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

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Office of Proceedings

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Public Record



Dear Secretary Williams:

The purpose of this letter is to briefly respond on behalf of Ohio Valley Railroad ("OVR") and Mid-America Locomotive and Car Repair, Inc. ("Mid-America") to the letter sent to the Board on October 22, 2004 by the general counsel for Indiana Southwestern Railway Company ("ISW"). By separate letter of the same date, ISW counsel submitted to OVR the proposal attached as Exhibit 1. In its letter, ISW proposes to reinstall one switch, pick up the car in question and deliver it 300 feet to the CSXT Interchange upon receipt of billing.

OVR has advised ISW that upon reinstallation of the switch it will forward the subject car to ISW so that the car owner is no longer held hostage by ISW's actions. However, OVR notes that ISW's minimal concession to its common carrier obligation does not adequately address the service emergency which ISW has created. (Exhibit 2)

First, ISW makes no guarantee that the switch which it proposes to reinstall will not be subsequently removed. Second, ISW removed both the north end and south end switches into Harwood Yard and OVR expects ISW to reinstall both switches to address the service emergency. As the Board is well aware, the operational flexibility afforded by both a northbound and southbound switch permits much more efficient rail operations and allows cars to be handled without multiple switching and runaround moves needed in order to access a single switch. There is also nothing in ISW's letter indicating its willingness to address good faith negotiation of an interchange agreement. Rather, ISW intends to ask the Board to reconsider its refusal to revoke OVR's notice of exemption.

Mid-America has advised OVR and ISW that there are additional shipments of rail cars for which it is currently negotiating and its ability to conduct normal business operations is totally dependent upon effective and efficient switching and interchange arrangements with ISW

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or, alternatively, CSX Transportation, Inc. Accordingly, OVR and Mid-America respectfully request that the Board expeditiously address and grant the relief requested in their emergency petition.

Very truly yours,

VUONO & GRAY, LLC

A handwritten signature in dark ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.
Attorney for Ohio Valley Railroad Company

RRW/bab

xc: Ohio Valley Railroad
Louis Gitomer, Esq.
Indiana Southwestern Railroad Co.
Mid-America Locomotive & Car Repair, Inc.

INDIANA SOUTHWESTERN RAILWAY Co.

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October 22, 2004

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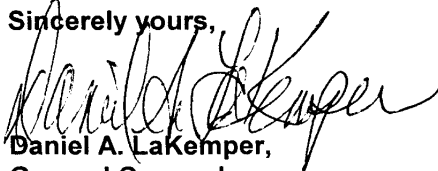


Dear Mr. Wilson:

We received your STB filing today. While we believe it is without merit, and a single passenger car moving out of storage on its own wheels is not a common carrier movement, we have done some additional investigation into the circumstances of this move, and we would like to avoid any further inconvenience to the car owner.

Therefore, we are prepared to reinstall one switch, pick up the car in question and deliver it to CSX interchange, upon receipt of billing, if OVR will authorize ISW to do so. OVR will have to collect its switch charges, if any, from the car owner (or shipper).

Sincerely yours,


Daniel A. LaKemper,
General Counsel

BY FAX AND U.S. MAIL.

EXHIBIT 1

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Re: Ohio Valley Railroad Company - Petition for Expedited Relief
STB Finance Docket No. 34486



Daniel A. LaKemper
General Counsel
Indiana Southwestern Railway Co.
1318 S. Johanson Road
Peoria, IL 61607

BY FACSIMILE (309-697-8486)

Dear Mr. LaKemper:

I am in receipt of your letters of October 22, 2004 to myself and to the Honorable Vernon A. Williams of the Surface Transportation Board. While OVR will certainly cooperate with ISW's efforts to interchange the car which was trapped by your client's unwarranted conduct, your letter does not address numerous other issues which must be resolved in order to eliminate the service emergency which ISW created. Your letter makes no representation or guarantee that the switch which is to be reinstalled will not be subsequently removed. Moreover, two switches were removed by ISW and both must be reinstalled for efficient rail operations. Finally, Mid-America has advised that it is negotiating for additional car repair business that will require continued common carrier rail services.

Your letter also fails to address ISW's willingness to engage in good faith negotiations for an interchange agreement with OVR. Rather, you have advised the STB that ISW intends to seek reconsideration of the Board's decision which authorized OVR common carrier status. Your October 22, 2004 correspondence to the Board is in itself an acknowledgement that OVR is and has been a common carrier railroad since the Board's initial publication of its notice of exemption.

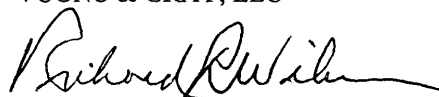
EXHIBIT 2

Daniel A. LaKemper
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We appreciate ISW's recognition of that fact and its willingness to address the immediate need for reinstallation of the switch and the reinstitution of common carrier rail service with OVR.

Sincerely yours,

VUONO & GRAY, LLC

A handwritten signature in black ink, appearing to read "Richard R. Wilson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard R. Wilson, Esq.
Attorney for Ohio Valley Railroad Company
and Mid-America Locomotive
and Car Repair, Inc.

RRW/bab

xc: Ohio Valley Railroad Co.
Mid-America Locomotive & Car Repair, Inc.
Hon. Vernon A. Williams, STB
Office of Proceedings, STB